

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9007**

October 27, 2021

**SUMMARY OF BILL:** Prohibits a local education agency (LEA), public charter school, or public institution of higher learning from: (1) developing or implementing an existing contact tracing procedure for COVID-19 or; (2) denying an individual access to a school's premises or services based solely on the suspicion that an individual may have been exposed to or infected with COVID-19 and is not exhibiting symptoms. Exempts COVID-19 and any mutations from certain communicable disease protocol for public school students or employees of a local board of education.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – The provisions of the bill could jeopardize federal American Rescue Plan funds allocated for state use. The amount and timing of the funds that will be jeopardized is unknown and cannot reasonably be determined.**

Assumptions:

- Tennessee received \$2,489,423,407 in education relief funding from the ESSER grant in the ARP Act of 2021 administered by the U.S. Department of Education (USDOE).
- The ARP program requires districts to submit "Safe Return to In-Person Instruction and Continuity of Services Plans" to the Department of Education for review and approval.
- These plans are intended to address key school health and safety policies and strategies and to explain a school's or LEA's role in contact tracing.
- When cases are identified, schools are expected to share a list of identified close contacts, seating charts, and other pertinent information with local health departments which are responsible for contact tracing, notifying close contacts and providing quarantine and isolation protocols to those families.
- Therefore, LEAs must have procedures for collecting and providing information needed by local health departments.
- Contact tracing must be included in the "Safe Return to In-Person Instruction and Continuity of Services Plans" and is a requirement for districts to receive funds from the ARP ESSER fund.
- Because the legislation prohibits LEAs from working with local health departments to contact trace, the state and districts would be in violation of the requirements for the ARP ESSER grant.

- If the state is found to be in violation of the ARP Act, then USDOE may seek corrective action which may risk up to \$2,489,423,407 in federal relief funding for the state and LEAs.
- The exact amount of funding withheld would be at the discretion of USDOE.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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